

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS**

ALICIA M. PAGE, CARMEL COOPER, and  
CINDY MUNIZ, individually, and on behalf of  
all others similarly situated,

Plaintiffs,

vs.

ALLIANT CREDIT UNION, and DOES 1-  
100,

Defendants.

Case No.: 1:19-cv-05965

Hon. Sharon Johnson Coleman

**DECLARATION OF EMILY J. KIRK IN SUPPORT OF PLAINTIFF ALICIA M.  
PAGE'S OPPOSITION TO THE MOTION TO DISMISS AND REQUEST FOR  
JUDICIAL NOTICE**

I, Emily J. Kirk, declare:

1. I am an attorney at law duly licensed to practice before all courts of the State of Illinois and an associate attorney with McCune Wright Arevalo, LLP. The following is based on my personal knowledge, and, if called as a witness, I could and would testify competently thereto.

2. Attached hereto as Exhibit 1 is a true and correct copy of unpublished case, *Burke v. Lakin Law Firm, PC*, *Burke v. Lakin Law Firm, PC*, No. 07-cv-0076-MJR, 2008 WL 64521 (S.D. Ill. Jan. 3, 2008), cited in Plaintiff's Opposition to Defendant's Motion to Dismiss.

3. Attached hereto as Exhibit 2 is a true and correct copy of unpublished case, *Domann v. Summit Credit Union*, No. 18-167, 2018 WL 4374076 (W.D. Wis. Sept. 13, 2018), cited in Plaintiff's Opposition to Defendant's Motion to Dismiss.

4. Attached hereto as Exhibit 3 is a true and correct copy of unpublished case,

*Kriegel v. Bank of Am., N.A.*, Nos. 07cv12246-NG, 08cv11598-NG, 2010 WL 3169579 (D.

Mass. Aug. 10, 2010), cited in Plaintiff's Opposition to Defendant's Motion to Dismiss.

5. Attached hereto as Exhibit 4 is a true and correct copy of unpublished case,

*Morris v. Bank of Am., N.A.*, No. 3:18-cv-00157-RJC-DSC, 2019 WL 1421166 (W.D.N.C.

Mar. 29, 2019), cited in Plaintiff's Opposition to Defendant's Motion to Dismiss..

6. Attached hereto as Exhibit 5 is a true and correct copy of unpublished case,

*Musso v. Excellence in Motivation, Inc.*, No. 10 C 3236, 2010 WL 3385452 (N.D. Ill. Aug. 24,

2010) , cited in Plaintiff's Opposition to Defendant's Motion to Dismiss..

7. Attached hereto as Exhibit 6 is a true and correct copy of unpublished case,

*Ramirez v. Baxter Credit Union*, No. 16-CV-03765-SI, 2017 WL 1064991 (N.D. Cal. Mar. 21,

2017), cited in Plaintiff's Opposition to Defendant's Motion to Dismiss..

8. Attached hereto as Exhibit 7 is a true and correct copy of unpublished case, *Smith*

*v. Bank of Hawaii*, No. 16-00513 JMS-RLP, 2017 WL 3597522 (D. Haw. Apr. 13, 2017), cited

in Plaintiff's Opposition to Defendant's Motion to Dismiss.

9. Attached hereto as Exhibit 8 is a true and correct copy of unpublished case, *Solon*

*v. Kaplan*, No. 00 C 2888, 2001 WL 123769 (N.D. Ill. Feb. 9, 2001) cited in Plaintiff's

Opposition to Defendant's Motion to Dismiss.

10. Attached hereto as Exhibit 9 is a true and correct copy of unpublished case,

*Thompson v. Am. Airlines Grp.*, No. 14 C 7980, 2017 WL 3521415 (N.D. Ill. Aug. 16, 2017)

cited in Plaintiff's Opposition to Defendant's Motion to Dismiss.

11. Attached hereto as Exhibit 10 is a true and correct copy of unpublished case,

*Vangsness v. Deutsche Bank Nat. Tr. Co.*, No. 12 C 50003, 2013 WL 3031017 (N.D. Ill. June 17, 2013), cited in Plaintiff's Opposition to Defendant's Motion to Dismiss..

12. Attached hereto as Exhibit 11 is a true and correct copy of unpublished case, *Wabash Castings, Inc. v. Fuji Machine Am. Corp.*, No. 16 C 3629, 2016 WL 4765717 (N.D. Ill. Sept. 13, 2016) cited in Plaintiff's Opposition to Defendant's Motion to Dismiss.

13. Attached hereto as Exhibit 12 is a true and correct copy of unpublished case, *Washington State Employees Credit Union*, No. C15-5693 BHS, 2016 WL 3218832 (W.D. Wash. June 9, 2016) cited in Plaintiff's Opposition to Defendant's Motion to Dismiss.

14. Attached hereto as Exhibit 13 is a true and correct copy of unpublished case, *Gunter v. United Fed. Credit Union*, No. 15CV00483MMDWGC, 2016 WL 3457009, at \*3 (D. Nev. June 22, 2016), cited in Plaintiff's Opposition to Defendant's Motion to Dismiss.

15. Attached hereto as Exhibit 14 is a true and correct copy of unpublished case, *Tannehill v. Simmons Bank*, No. 3:19-cv-140-DPM, 2019 WL 7176777 (E.D. Ark. Oct. 21, 2019), cited in Plaintiff's Opposition to Defendant's Motion to Dismiss.

16. Attached hereto as Exhibit 15 is a true and correct copy of order in *Tisdale v. Wilson Bank and Trust*, cited in Plaintiff's Opposition to Defendant's Motion to Dismiss.

17. Attached hereto as Exhibit 16 is a true and correct copy of order in *Garcia v. UMB Bank, NA*, cited in Plaintiff's Opposition to Defendant's Motion to Dismiss

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 28th day of January 28, 2020 at O'Fallon, Illinois

/s/ Emily J. Kirk  
Emily J. Kirk

**CERTIFICATE OF SERVICE**

I certify that on January 28, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send a notice of electronic filing to all CM/ECF participants in the above-referenced matter.

/s/ *Emily J. Kirk*  
Emily J. Kirk